

JUDGE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	No. CR22-5139-DGE
Plaintiff,)	
v.)	(PROPOSED) ORDER GRANTING
JOAO RICARDO DEBORBA,)	UNOPPOSED DEFENSE MOTION TO
Defendant.)	CONTINUE TRIAL DATE AND
)	PRETRIAL MOTIONS DUE DATE

THE COURT has considered the defendant's unopposed motion to continue the trial date and pretrial motions deadline and the facts and circumstances described therein, which are hereby incorporated as findings of fact, and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

1 (d) the case is sufficiently complex that it is unreasonable to expect adequate
2 preparation for pretrial proceedings or the trial itself within the current trial schedule, as
3 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

4 (e) the ends of justice will best be served by a continuance, and the ends of
5 justice outweigh the best interests of the public and the defendant in any speedier trial,
6 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

7 (f) the additional time requested between the current trial date of June 26, 2023,
8 and the new trial date is necessary to provide counsel for the defendant the reasonable
9 time necessary to prepare for trial, all of the facts set forth above; and

10 (g) that the period of delay from the date of this motion to the new trial date is
11 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

12 IT IS THEREFORE ORDERED that the trial date in this matter shall be
13 continued to **September 25, 2023**, and that pretrial motions shall be filed no later than
14 _____, 2023. Pretrial Conference is set for _____, 2023 at _____ a.m./p.m.

15 DONE this ____ day of May 2023.

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17 _____
18 JUDGE DAVID G. ESTUDILLO
UNITED STATES DISTRICT JUDGE

19 Presented by:

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21 s/ Rebecca Fish
22 Assistant Federal Public Defender
23 Attorney for Joao DeBorba
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